

**BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001**

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POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

**Complaint on First-Class Mail
Service Standards**

Docket No. C2001-3

**DOUGLAS F. CARLSON
MOTION FOR CLARIFICATION
OF PRESIDING OFFICER'S RULING NO. C2001-3/23**

July 5, 2002

On October 30, 2001, my interrogatory DFC/USPS-9 was filed.¹ This interrogatory read as follows:

This interrogatory applies to every three-digit ZIP Code pair:

- (1) In which at least one of the two three-digit ZIP Codes in the pair is located in the state of Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Montana, Wyoming, or Texas; **and**
- (2) Whose First-Class Mail service standard changed from two days to three days in 2000 or 2001.

For each three-digit ZIP Code pair to which this interrogatory applies, please provide:

- a. ODIS and EXFC data showing on-time delivery percentage, average days to delivery, and proportion of mail delivered in each number of days (e.g., 40 percent delivered in two days, 55 percent delivered in three days, and five percent delivered in more than three days) for the most-recent period for which data are available;
- b. ODIS and EXFC data showing on-time delivery percentage, average days to delivery, and proportion of mail delivered in each number of days (e.g., 40 percent delivered in two days, 55 percent delivered in three days, and five percent delivered in more than three days) for comparable periods in each of the two years prior to implementation of the change in service standards.

¹ Douglas F. Carlson Interrogatory to United States Postal Service (DFC/USPS-9), filed October 30, 2001.

The Postal Service and I disagreed on whether the data should be disclosed publicly. On April 9, 2002, Presiding Officer's Ruling No. C2001-3/23 was issued to resolve the discovery dispute. A fair reading of the ruling suggests that the presiding officer decided that public disclosure of point-to-point ODIS and EXFC performance data was warranted. For example, the presiding officer rejected the Postal Service's contention that "First-Class volumes could be threatened by the disclosures of information on service levels achieved between a limited number of city pairs, hundreds of miles apart, for which service standards had been changed." POR C2001-3/23 at 6. Later, the presiding officer determined that the Postal Service had not shown that "there is a contestable market for monopoly mail destined for scattered, distant, city pairs." *Id.* at 8.

Notwithstanding the determination that point-to-point delivery-performance data should be produced, the presiding officer nevertheless sought to limit the scope of the data that the Postal Service would be required to produce. The presiding officer ruled, "It should be sufficient if data for applicable originating mail for the three-digit ZIP Code combinations within each Postal Service District within the states identified by complainant are aggregated and produced, as well as, separately, the mail for the applicable three-digit ZIP-code combinations destinating within each those [sic] Districts." *Id.* at 10–11.

In April, when I read this sentence in conjunction with the other 11 pages of text in the ruling, I interpreted the ruling as requiring production of point-to-point data, but the data would be aggregated to the district level. For example, the San Francisco District includes San Francisco CA (940–941, 943–944), North Bay CA (949, 954), and Eureka CA (955). The Seattle District includes Seattle WA (980–981), Everett WA (982), Tacoma WA (983–984), Olympia WA (985), Wenatchee WA (988), and Yakima WA (989). The Postal Service changed the service standard for mail originating in San Francisco District ZIP Codes and destined to SCF Tacoma WA from two days to three days. My

interrogatory would have required the Postal Service to produce one set of delivery-performance data for mail originating in San Francisco and destined to SCF Tacoma WA, another set of data for mail originating in North Bay and destined to SCF Tacoma WA, and a third set of data for mail originating in Eureka and destined to SCF Tacoma WA. I interpreted POR C2001-3/23 as requiring only delivery-performance data from the San Francisco District to the Seattle District. That is, the ruling permitted the Postal Service to aggregate data for individual three-digit ZIP Codes to the district level on both the origination side and the destination side.

On July 3, 2002, the Postal Service filed USPS-LR-9, its preliminary response to DFC/USPS-9. My review of the library reference suggests that the Postal Service is interpreting POR C2001-3/23 as not requiring production of point-to-point data. Rather, the Postal Service provided a set of origination delivery-performance data for each district and a separate set of destination delivery-performance data for each district. The origination data show the overall on-time performance of two-day mail originating in the San Francisco District and destined to all two-day destinations, combined into a single total. The origination data do not show the on-time performance of two-day mail originating in the San Francisco District and destined to any particular two-day ZIP Code area or district. Similarly, the destination data show the overall on-time performance of two-day mail destined to the San Francisco District from all originating areas that carried a two-day delivery standard to the San Francisco District, combined into a single total. The destination data do not show the on-time performance of two-day mail originating in any particular ZIP Code area or district and destined to the San Francisco District. In short, the data that the Postal Service provided do not reveal any information about delivery performance between any particular cities, ZIP Code areas, or districts. The data that the Postal Service provided shed no light on whether delivery times between cities or districts that experienced a downgrade in service standard from two days to three days are more consistent than before — precisely the question that the interrogatory sought to answer.

The Postal Service's response to the ruling may be a plausible interpretation of this sentence in the ruling: "It should be sufficient if data for applicable originating mail for the three-digit ZIP Code combinations within each Postal Service District within the states identified by complainant are aggregated and produced, as well as, separately, the mail for the applicable three-digit ZIP-code combinations destinating within each those [sic] Districts." POR C2001-3/23 at 10–11. However, the Postal Service's response does not appear to be consistent with the remainder of the ruling, which, as I read it, resolved issues in favor of disclosure of point-to-point data on delivery performance. Therefore, I move for clarification of the ruling and a determination of whether the data that the Postal Service has provided already and proposes to provide soon² satisfy the requirements of POR C2001-3/23.

Respectfully submitted,

Dated: July 5, 2002

DOUGLAS F. CARLSON

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the required parties in accordance with section 12 of the *Rules of Practice*.

DOUGLAS F. CARLSON

July 5, 2002
Santa Cruz, California

² Notice of the United States Postal Service Regarding Filing of Library Reference C2001-3/10 in Response to Presiding Officer's Ruling No. C2001-3/23, filed July 3, 2002.